# IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

| In re:   |                               |
|--|-------------------------------|
| LECLAIRRYAN PLLC,  | Chapter 7                     |
| Debtor.  | Case no. 19-34574 (KRH)       |
| Lynn L. Tavenner, as Chapter 7 Trustee,  |                               |
| Plaintiff,   | Adv. Pros. 20-03142 (KRH) and |
| v.   | 21-03095 (KRH)                |
| ULX Partners, LLC, UnitedLex Corporation, and ULX Managers, LLC                          |                               |
| Defendants.  |                               |
| Lynn L. Tavenner, as Chapter 7 Trustee,  |                               |
| Plaintiff,<br>v.   |                               |
| CVC Capital Partners, Daniel Reed, Nicholas<br>Hinton, Josh Rosenfeld, P. Douglas Benson |                               |
| Defendants.  |                               |

### THE UNITED STATES TRUSTEE'S NOTICE OF APPEAL

Kathryn R. Montgomery, AUST (Va. Bar No. 42380) Shannon Pecoraro (Va. Bar No. 46864) Jason B. Shorter (Va. Bar No. 80929) Department of Justice Office of the United States Trustee 701 East Broad Street, Suite 4304 Richmond, VA 23219 Telephone (804) 771-2310 Facsimile (804) 771-2330

### Part 1: Identify the appellant

1. Name of appellant:

John P. Fitzgerald, III, Acting United States Trustee for Region Four

2. Position of appellant in the bankruptcy case that is the subject of this appeal:

United States Trustee (See 11 U.S.C. § 307; 28 U.S.C. §§ 581(A)(4) and 586)

### Part 2: Identify the subject of this appeal

- 1. Describe the judgments, orders or decrees appealed from:
  - Oral ruling of the United States Bankruptcy Court for the Eastern District of Virginia granting the Motion to Seal Settlement Agreement and Related Documents, Information, and Hearings filed by David G. Barger of Greenberg Traurig, LLP on behalf of ULX Partners, LLC, ULX Manager LLC, and UnitedLex Corporation (ECF 1325 and ECF 207 in Adv. Pro. No. 21-03142).
- 2. State the date on which the judgments, orders, or decrees were entered:

Oral ruling made during sealed portion of the omnibus hearing held on July 14, 2022. The Bankruptcy Court has indicated it will enter a written order and may draft a memorandum opinion.

#### Part 3: Identify the other parties to the appeal

List the names of all parties to the judgments, orders, or decrees appealed from and the names, addresses and telephone numbers of their attorneys:

### **APPELLEE**:

ULX Partners, LLC, UnitedLex Corporation, and ULX Manager, LLC, Defendants in Adversary Proceeding 20-03142 and Parties to Settlement Agreement

David G. Barger Thomas J. McKee, Jr. J. Gregory Milmoe

<sup>1</sup> The transcripts of the open proceedings and sealed portion of the July 14, 2022 hearing are attached as <u>Exhibit 1</u> (open proceedings) and <u>Exhibit 2</u> (sealed portion—filed under seal).

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### **OTHER INTERESTED PARTIES:**

Lynn Tavenner, Chapter 7 Trustee for LeClairRyan PLLC, Party to Settlement Agreement and Appellee in related appeal, Fitzgerald v. Tavenner, Case no. 3:22-cv-00494-DJN

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#### LeClairRyan PLLC, Debtor

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# Foley & Lardner, LLP, objector to Chapter 7 Trustee's Motion to Approve Settlement Agreement

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# CVC Capital Partners, Defendant in Adversary Proceeding 21-03095 and Party to Settlement Agreement

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## Nicholas Hinton and Daniel Reed, Defendants in Adversary Proceeding 21-03095 Parties to Settlement Agreement

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# Josh Rosenfeld and P. Douglas Benson, Defendants in Adversary Proceeding 21-03095 Parties to Settlement Agreement

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#### CNA, Insurer and Party to Settlement Agreement

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### Travelers Casualty and Surety Company of America, Insurer and Party to Settlement Agreement

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### Gary LeClair, Former Defendant in Adversary Proceeding 20-03142

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Respectfully Submitted,

Dated: July 19, 2022 John P. Fitzgerald, III
Acting United States Trustee, Region Four

By: /s/ Kathryn R. Montgomery

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of July, 2022, a true and correct copy of the foregoing document was served via first class mail and/or electronic mail upon: (i) all parties and counsel requesting service via the Court's ECF system, (ii) the Appellee by counsel, (iii) all other interested parties by counsel or registered agent as set forth above, (iv) the 20 largest unsecured creditors as listed on the Debtor's schedules, (v) the Service List as defined by the governing Case Management Order, and (vi) all Persons identified in paragraph 4 of the FAO Procedures Order (ECF 533), as modified by the Order Modifying Settlement Procedures for FAO Actions (ECF 929).

By: /s/ Kathryn R. Montgomery

Kathryn R. Montgomery, Esq.